

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND

IN RE MUTUAL FUNDS INVESTMENT LITIGATION	:	MDL DOCKET NO. 1586
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IN RE ALGER, COLUMBIA, JANUS, MFS, ONE GROUP, ALLIANZ DRESDNER PUTNAM, AND VAN KAMPEN	:	Case No. 04-md-15863(JFM)
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This Document Relates to:	:	
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VAN KAMPEN FUNDS SUB-TRACK	:	
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<i>Starr v. Van Kampen Investments, Inc., et al.</i>		05-cv-0502 (D.Md.)

## [PROPOSED] FUND DERIVATIVE ORDER

For the reasons stated in the letter opinion filed November 3, 2005, it is, this  
\_\_\_\_\_ day of \_\_\_\_\_ ORDERED

1. Defendants' motions to dismiss are granted in part and denied in part;
2. The motion is denied as to the claim asserted under Section 36(b) of the Investment Company Act in Count I against defendants Van Kampen Asset Management, Inc., Van Kampen Investor Services, Inc., Van Kampen Funds, Inc., Morgan Stanley Investment Advisors, Inc., Morgan Stanley Investments LP, and Morgan Stanley Investment Management, Inc.
3. The motion is denied as to the claim asserted under Section 48 of the ICA in Count V as it relates to claims under Section 36(b) of the ICA against defendants Morgan Stanley, Van Kampen Investments, Inc., David C. Arch, J. Miles Branagan, Jerry D. Choate, Rod Dammeyer, Linda Hutton Heagy, R. Craig Kennedy, Howard J. Kerr, Jack E. Nelson, Hugo F. Sonnenschein, Suzanne H. Woolsey, Mitchell C. Merin, Richard F. Powers and Wayne W. Whalen.

4. The motions are granted as to the remaining federal and state claims, and those claims are dismissed without leave to amend, against: Van Kampen Investments, Inc., Van Kampen Asset Management, Inc., Van Kampen Investor Services, Inc., Van Kampen Funds, Inc., Morgan Stanley, Morgan Stanley Investment Advisors, Inc., Morgan Stanley Investments LP, Morgan Stanley Investment Management, Inc., David C. Arch, J. Miles Branagan, Jerry D. Choate, Rod Dammeyer, Linda Hutton Heagy, R. Craig Kennedy, Howard J. Kerr, Jack E. Nelson, Hugo F. Sonnenschein, Suzanne H. Woolsey, Mitchell C. Merin, Richard F. Powers, Wayne W. Whalen, Bank of America Corporation, Banc of America Securities LLC, Prudential Securities Inc., and Canadian Imperial Bank of Commerce.

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J. Frederick Motz  
United States District Judge